

ENTERED

April 22, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISIONROSFEL GARZA
Petitioner

VS.

WILLIAM STEPHENS, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION
Respondent§
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CIVIL ACTION NO. 7:15-CV-230

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner's action pursuant to 28 U.S.C. § 2254(g), which motion had been referred to the Magistrate Court for a report and recommendation. Also pending are Respondent's Motion for Summary Judgment, and Petitioner's Request for Default Judgment, and objections to the Report and Recommendation. On March 28, 2016, the Magistrate Court issued the Report and Recommendation, recommending that Respondent's Motion for Summary Judgment be granted and that Petitioner's claims under 28 U.S.C. § 2254 be denied and dismissed with prejudice for lack of jurisdiction, or as time-barred.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has conducted a de novo review of the Report and Recommendation. Finding no clearly erroneous error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Petitioner's Motion for Default Judgment (Dkt. Entry No. 6) is **DENIED**, Respondent's Motion for Summary Judgment (Dkt. Entry No. 5) is **GRANTED**, Petitioner's 28 U.S.C. § 2254 claims are **DENIED** and **DISMISSED** with prejudice for lack of jurisdiction, or as time-barred, as explained in the Report, and a Certificate of Appealability is **DENIED**.

SO ORDERED this 22nd day of April, 2016, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane", is written over a horizontal line.

Randy Crane
United States District Judge